

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By **CHAIRMAN MARK E. NOENNIG**, on March 31, 2005 at 3:35 P.M., in Room 172 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Mark E. Noennig, Chairman (R)  
Rep. Hal Jacobson, Vice Chairman (D)  
Rep. Elsie Arntzen (R)  
Rep. Debby Barrett (R)  
Rep. Margaret H. Campbell (D)  
Rep. Emelie Eaton (D)  
Rep. Christopher Harris (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Teresa K. Henry (D)  
Rep. Mike Jopek (D)  
Rep. Gary MacLaren (R)  
Rep. Dave McAlpin (D)  
Rep. Tom McGillvray (R)  
Rep. Bernie Olson (R)

##### **Members Excused:**

Rep. Wayne Stahl, Vice Chairman (R)  
Rep. Mary Caferro (D)  
Rep. Sue Dickenson (D)  
Rep. Rick Maedje (R)

**Members Absent:** None.

**Staff Present:** Susan Fox, Legislative Branch  
Kyanne Kelly, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 409, 3/17/2005; SB 431,  
3/17/2005; SB 458, 3/17/2005  
Executive Action: SB 116, SB 175, SB 290, SB 456, SB  
458

**HEARING ON SB 409**

**Opening Statement by Sponsor:**

**SEN. STEVEN GALLUS (D), SD 37**, opened the hearing on **SB 409**,  
Eliminate requirement of medical examination for issuance of  
marriage license.  
00:00:38

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:02:24 Bruce Deitle, Department of Health and Human  
Services

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:08:23

**Closing by Sponsor:**

00:15:24

**HEARING ON SB 458**

**Opening Statement by Sponsor:**

**SEN. KIM GILLAN (D), SD 24**, opened the hearing on **SB 458**, Time  
for action against municipality for land use decision.  
00:17:34

**Proponents' Testimony:**

00:21:42 Mike Kadas, Mayor of Missoula  
00:24:07 Alec Hansen, League of Cities and Towns  
00:25:28 Curt Chisholm, Residential Home Builders  
00:26:27 Michael Kakuk, Association of Realtors

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:27:14

**Closing by Sponsor:**

00:41:06

REPS. DICKENSON, MAEDJE and STAHL entered the room.

**HEARING ON SB 431**

**Opening Statement by Sponsor:**

SEN. GREGORY BARKUS (R), SD 4, opened the hearing on SB 431, Allow mayor or city manager to discipline a municipal firefighter.

00:41:40

**Proponents' Testimony:**

00:43:51 Charles Harball, City of Kalispell

[EXHIBIT](#)(loh68a01)

**Opponents' Testimony:**

00:46:58 Pat Clinch, Council of Profession Firefighters

[EXHIBIT](#)(loh68a02)

**Informational Testimony:**

00:51:43 Tim Burton, City Manager of Helena

**Questions from Committee Members and Responses:**

00:55:22

**Closing by Sponsor:**

01:07:58

**EXECUTIVE ACTION ON SB 116**

**Motion:** REP. OLSON moved that SB 116 BE CONCURRED IN.

**Discussion:**

01:23:19

**Motion:** REP. JACOBSON moved that SB 116 BE AMENDED.

Discussion:

01:24:40

[EXHIBIT](#)(loh68a03)

[EXHIBIT](#)(loh68a04)

[EXHIBIT](#)(loh68a05)

Vote: Motion carried 15-3 by voice vote with REP. BARRETT, REP. HENDRICK, and REP. STAHL voting no. REP. CAFERRO voted by proxy.

Motion: REP. OLSON moved that SB 116 BE CONCURRED IN AS AMENDED.

Discussion:

01:30:24

Vote: Motion carried 12-6 by roll call vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MAEDJE, REP. OLSON, and REP. STAHL voting no. REP. CAFERRO voted by proxy. REP. NOENNIG to carry.

EXECUTIVE ACTION ON SB 175

Motion: REP. JACOBSON moved that SB 175 BE CONCURRED IN.

Motion: REP. NOENNIG moved that SB 175 BE AMENDED.

Discussion:

01:39:16

[EXHIBIT](#)(loh68a06)

Vote: Motion carried unanimously by voice vote. REP. CAFERRO voted by proxy.

Motion/Vote: REP. OLSON moved SB 175 BE CONCURRED IN AS AMENDED. Motion carried 13-5 by roll call vote with REP. BARRETT, REP. HENDRICK, REP. MAEDJE, REP. OLSON, and REP. STAHL voting no. REP. CAFERRO voted by proxy. REP. ARNTZEN to carry.

EXECUTIVE ACTION ON SB 290

Motion: REP. JACOBSON moved that SB 290 BE CONCURRED IN.

Motion: REP. JOPEK moved that SB 290 BE AMENDED.

Discussion:

01:47:53

[EXHIBIT](#)(loh68a07)

[EXHIBIT](#)(loh68a08)

Vote: Motion carried unanimously by voice vote. REP. CAFERRO voted by proxy.

Motion: REP. JOPEK moved that SB 290 BE CONCURRED IN AS AMENDED.

Discussion:

01:50:55

Vote: Motion carried 16-2 by roll call vote with REP. BARRETT and REP. MAEDJE voting no. REP. CAFERRO voted by proxy. REP. MACLAREN to carry.

EXECUTIVE ACTION ON SB 456

Motion: REP. HENDRICK moved that SB 456 BE CONCURRED IN.

Motion: REP. HENDRICK moved that SB 456 BE AMENDED.

Discussion:

02:18:39

[EXHIBIT](#)(loh68a09)

Vote: Motion carried unanimously by voice vote. REP. CAFERRO voted by proxy.

Motion: REP. HENDRICK moved that SB 456 BE CONCURRED IN AS AMENDED.

Discussion:

02:19:17

Vote: Motion failed 7-11 by roll call vote with REP. ARNTZEN, REP. BARRETT, REP. EATON, REP. MACLAREN, REP. MAEDJE, REP. MCGILLVRAY, and REP. NOENNIG voting aye. REP. CAFERRO voted by proxy.

Motion/Vote: REP. DICKENSON moved that SB 456 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote. REP. CAFERRO voted by proxy.

EXECUTIVE ACTION ON SB 458

Motion: REP. MCALPIN moved that SB 458 BE CONCURRED IN.

Motion: REP. JACOBSON moved that SB 458 BE AMENDED.

Discussion:

02:38:40

[EXHIBIT](#)(loh68a10)

Vote: Motion carried 15-3 by voice vote with REP. HARRIS, REP. MCGILLVRAY, and REP. STAHL voting no. REP. CAFERRO voted by proxy.

Motion/Vote: REP. JACOBSON moved that SB 458 BE CONCURRED IN AS AMENDED. Motion carried 12-6 by roll call vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MAEDJE, REP. NOENNIG, and REP. STAHL voting no. REP. CAFERRO voted by proxy. REP. MCALPIN to carry.

**ADJOURNMENT**

Adjournment: 6:20 P.M.

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REP. MARK E. NOENNIG, Chairman

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KYANNE KELLY, Secretary

MN/kk

Additional Exhibits:

**EXHIBIT ([loh68aad0.PDF](#))**